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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,050	04/06/2001	Petr Peterka	GIC-555	2207

7590 09/21/2004
Barry R Lipsitz
755 Main Street Building 8
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EXAMINER

KENDALL, CHUCK O

ART UNIT PAPER NUMBER

2122

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/807,050	PETERKA ET AL.	
	Examiner	Art Unit	
	Chuck Kendall	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7 & 9,10,12, 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 & 9,10,12, 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed 04/29/04.
2. Claims 1 – 3, 5 – 7 & 9,10,12, 14 –24 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1 – 3, 5, 21 & 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Parthasarathy USPN 6,347,398 B1.

Regarding claim 1, Parthasarathy anticipates, a method (Col.32: 65 – 33:55) A television set-top terminal (Col.3: 47, see set op boxes for television network computers, and satellite receiver boxes), comprising:

a computer readable, medium having computer program code (31: 20 – 25, see installed computer components); and

means for executing said computer program code to implement an Application Programming Interface (API) wherein:

application data which defines applications is recovered at the terminal according to locators associated with the applications (FIG.3, see 60, DATA DOWNLOAD MODULE for recover);

the applications are registered and installed at the terminal (FIG.4, 76);

the API enables running and subsequent stopping of the applications (Col.19:60 – 67, see OnStartBinding and OnStopBinding); and

the API enables the retrieval of the applications as broadcasts software applications (3: 47 – 53, shows utility for wireless personal devices as well as set top

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boxes and also discusses the ability to download software a remote location, and since broad casting software in wireless device is an old and well known practice in the art, this would be an inherent feature in Parthasarathy);

the API enables pausing of the applications once they are running, and subsequent resuming of the applications (Col.19:60 – 67, see OnStartBinding and OnStopBinding).

Regarding claim 2, the terminal of claim 1, wherein: a user is notified of the presence of the applications after registration and installation thereof (Col. 19: 23 – 25).

Regarding claim 3, the terminal of claim 1, wherein: said API enables the retrieval of the applications as downloadable software applications (FIG.4, 70).

Regarding claim 5, the terminal of claim 1, wherein:
said API is independent of an operating system and hardware of the terminal (Col. 16:45 – 50, platform independent).

Regarding claim 21, the method version of claim 1, see rationale as previously discussed above.

Regarding claim 22, the method version of claim 2, see rationale as previously discussed above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6,7, 9, 10, 12,14 – 20, 23 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parthasarathy USPN 6,347,398 B1 in view of Anandakumar et al. USPN 6,574,213 B1.

Regarding claim 6, Parthasarathy anticipates a television set-top terminal, comprising:

- a computer readable medium having computer program code (FIG.1, see item # 12, 16, also see FIG.3); and

- means for executing said computer program code to implement an Application Programming Interface (API) wherein:

 - application data which defines applications is recovered at the terminal according to locators associated with the applications (FIG.3, see 60, DATA DOWNLOAD MODULE for recover);

 - the applications are registered and installed at the terminal (FIG.4, 76); and

 - the API enables particular ones of the applications to advertise their respective states to other applications (Col.19:15 – 20). Parathasarathy doesn't explicitly disclose providing an ITU-T X.731 based mechanism for monitoring and controlling the applications, wherein said ITU-TX.731 is an international standard which defines management states, status codes and state transitions for manageable objects, although he does disclose being operable in a wireless communication environment (e.g. broadcasting). Anandakumar does however in an analogous art disclose providing improvements to packing network environments including the ITU standards. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Parathasarathy and Anandakumar because, using ITU standards would make the system more compatible.

- Regarding claim 7, the terminal of claim 6, wherein:

 - a user is notified of the presence of the applications after registration and installation thereof (Col.19:23 – 25, see notification and IbindStatus-Callback Interface).

- Regarding claim 9, the terminal of claim 6, wherein:

 - said API enables at least one of the other applications to access the advertised state of at least one of the particular advertising applications (Col.19:22 – 28, see notification and IbindStatusCode).

- Regarding claim 10, the terminal of claim 6, wherein:

said API enables retrieval of version information associated with the applications (Col.32: 15 – 20, see control file and version information).

Regarding claim 12, the terminal of claim 6, wherein: API enables verification of the integrity of all of the applications (FIG.3, 62).

Regarding claim 14, the terminal of claim 6, wherein:

said API enables administrative locking and unlocking of the applications (Col.19:60 – 67, for locking and unlocking see OnStartBinding and OnStopBinding).

Regarding claim 15, the terminal of claim 6, wherein:

said API enables particular ones of the applications to advertise respective alarm statuses thereof to other ones of the applications (Col. 19:55 – 65, see communicating status, reporting progress, also returning error codes).

Regarding claim 16, the terminal of claim 6, wherein:

said API enables particular ones of the applications to advertise respective availability statuses thereof to other ones of the applications (Col. 19:55 – 65, see communicating status).

Regarding claim 17, the terminal of claim 6, wherein:

said API enables particular ones of the applications to advertise respective procedural statuses thereof to other ones of the applications (Col. 19:55 – 65, see IbindStatusCallback and registering using RegisterBindStatusCallback).

Regarding claim 18, the terminal of claim 6, wherein:

said API enables particular ones of the applications to advertise respective operational states thereof to other ones of the applications (Col.19:15 – 20).

Regarding claim 19, the terminal of claim 6, wherein:

said API enables particular ones of the applications to advertise respective administrative states thereof to other ones of the applications (Col.19:15 – 20, see pass status information back to application program).

Regarding claim 20, the terminal of claim 6, wherein:

said API enables particular ones of the applications to advertise respective usage states thereof to other ones of the applications (Col.9: 45 – 53, see ModuleUsage and "...keep track of software components installed...").

Regarding claim 23, the method version of claim 6, see rationale as previously discussed above.

Regarding claim 24, the method version of claim 7, see rationale as previously discussed above.

Response to Arguments

7. Applicant's arguments with respect to claims 6, 7 & 9,10,12, 14 – 20, 23 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's argument of claim 1, on page 9, of Applicant's response dated 4/29/2004, that Parathasarathy doesn't disclose " a television set-top terminal, comprising a computer readable medium having computer code...", see 3: 45 – 55. Prior art distinctly teaches support for a set top box and programmable code as also noted et seq. and in 31: 23 – 27.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 703-3086608. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 703-3054552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anthony Nguyen-Ba
ANTHONY NGUYEN-BA
PRIMARY EXAMINER